

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

DEC 8 1994

DANNY P. HATTENHAUER,
Plaintiff,

vs.

DONNA E. SHALALA,
Secretary of
Health & Human Services,
Defendant.

No. CIV 94-068-P

WILLIAM B. GUTHRIE
Clerk, U. S. District Court

Deputy Clerk

O R D E R

This is an appeal from a denial of social security disability benefits. Plaintiff was denied benefits for his alleged disability by the Appeals Council of the Department of Health and Human Services upon the recommendation of the Administrative Law Judge (ALJ). The August 24, 1993 decision of the ALJ became the final decision of the Secretary, of which Plaintiff now seeks judicial review pursuant to 42 U.S.C. §405(g).

The court finds that the ALJ has adequately and correctly set forth the relevant facts of this case and that duplication of this effort would serve no useful purpose. The court, in its review, has been granted power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Secretary, with or without remanding the case for a rehearing. The findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive. In this action, Plaintiff alleges the record does not support the determination of the Secretary by substantial evidence. Plaintiff requests that this case be reversed and that benefits awarded Plaintiff.


Court review of the Secretary's denial of Social Security disability benefits is limited to a consideration of the pleadings and the transcript filed by the Secretary as required by 42 U.S.C. 405(g). This court is not permitted to conduct a trial de novo but is obligated to determine whether there is substantial evidence in the record to support the Secretary's decision. Weakly v. Heckler, 795 F.2d 64 (10th Cir. 1986), Cagle v. Califano, 638 F.2d 219 (10th Cir. 1981); Tillery v. Schweiker, 713 F.2d 601 (10th Cir. 1983).

The transcript of the proceedings has been carefully reviewed by the court. The principal issue presented herein is whether the record, by substantial evidence, sustains the finding that Plaintiff was not under a disability as defined by the Social Security Act.

The court finds that the final administrative decision should be affirmed because there is substantial evidence of record to support the ALJ's decision. Further, correct legal standards were followed in the ALJ's determination that Plaintiff was not disabled because he could perform other work in the national economy. See Casias v. Secretary of HHS, 933 F.2d 799, 800-01 (10th Cir. 1991).

ACCORDINGLY, the court finds that the decision of the ALJ, which is the final decision of the Secretary, is affirmed.

IT IS SO ORDERED this 8TH day of December 1994.


JAMES H. PAYNE
UNITED STATES MAGISTRATE JUDGE